

Notice of Allowability

Application No.

10/803,665

Examiner

Mitra Aryanpour

Applicant(s)

JOSEPH, JOHN G.

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 02 December 2005.
2. ☒ The allowed claim(s) is/are 1,4-12,14-17,29 and 30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


MITRA ARYANPOUR
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Jenkins on 20 February 2006.

The application has been amended as follows:

In the Claims:

In claim 1, line 18, --wherein said characteristic of said baseball training system comprises one of a throwback trajectory of a baseball thrown by the throwback unit or a baseball size for a baseball to be thrown back by the throwback unit;--

Claim 2 has been cancelled.

Claim 2 has been cancelled.

Claim 5, line 3, "bay" has been changed to --by--.

Claim 13 has been cancelled.

Claim 27 has been cancelled.

Claim 28 has been cancelled.

In claim 29, line 1, "The throwback system as recited in claim 18" has been deleted and --The baseball training system as recited in claim 1-- has been inserted before "wherein".

In claim 30, line 1, "The throwback system as recited in claim 18" has been deleted and --The baseball training system as recited in claim 1-- has been inserted before "wherein".

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Claims 32-34 have been cancelled.

NOTE: The above changes have been made to overcome informalities, in order to put this application in condition for allowance.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figures 16-22 on page 9/9 are duplicates of Figures 16-22 on page 7/9 of the drawings. There should only be eight (8) sheets of drawings. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: Claims 1, 4-12, 14-17, 29 and 30 are allowable over the prior art of record, because the prior art does not show or suggest the combination of a training device comprising in combination a ball collector having a target, a throwback unit having an exit opening for receiving and throwing baseballs one at a time back to a player. The throwback unit further comprising a base, a drive motor, a wheel and a guide, wherein at least one of the wheel or guide is adjustable to permit adjustment of a characteristic of the baseball training system, wherein said characteristic of said baseball training system comprises one of a throwback trajectory of a baseball thrown by the throwback unit or a baseball size for a baseball to be thrown back by the throwback unit.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 571-272-4405. The examiner can normally be reached on Monday - Friday 10:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

20 February 2006


MITRA ARYANPOUR
PRIMARY EXAMINER